



Al-Khafash: Releases were not based on seniority and did not include prisoners from Jerusalem and the interior

Al-Tadamun: Occupation Military Courts extend the detention period of nine prisoners

European Network: Darar Abu Sisi suffers from a dangerous health decline and must be released immediately.

[Photo caption] For the second time, the occupation extends the "administrative" detention for Representative Atun for six months.

The Law for Detainees and Released Detainees, its Systems and Regulations, as approved by the Palestinian Council of Ministers

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Notice 112: The Palestinian Center for the Defense of Detainees objects to and rejects the appearance of Comrade Thamer Sabaineh before the Court of Appeals and calls the Committee for Freedoms to put an end these violations... more

Notice 111: The Palestinian Center for the Defense of Detainees warns all against going around prisoner strikes and affirms that the prisoners are continuing their battle with all confidence... more

The Law for Prisoners and Released Prisoners

Number 19 of 2004

Having examined the Revised Foundational Law, and upon approval by the Legislative Council in its December 22, 2004 session, the President of the Palestinian National Authority has issued the following law:

Article 1

The following words and expressions shall have the specific meanings below unless otherwise indicated:

National Authority: Palestinian National Authority

Council of Ministers: Council of Ministers of the National Authority

Ministers [sic]: Ministry of Detainees' and Ex-Detainees' Affairs or the Ministry in charge thereof

Prisoner: Anyone who is kept in prisons of the occupation for offenses of participating in the struggle against the occupation

Released Prisoner: Any prisoner who has been released from prisons of the occupation

Article 2

Prisoners and Released Prisoners are a struggling class and an inseparable part of the fabric of the Arab Palestinian Society, and the provisions of this law guarantee a dignified life for them and their families.

Article 3

To achieve the objectives of this law, the National Authority will employ all possible means to achieve the following:

1. Free the prisoners from the prisons of the occupation.
2. Provide prisoners with all the required legal assistance.
3. Provide prisoners and their families with all the financial services that they are entitled to in accordance with the regulations of this law and the salary scale used.
4. Afford the prisoners and their children an opportunity for education.
5. Rehabilitate released prisoners.
6. Secure employment for the released prisoners based on standards that take into account the years that they spent in prison and their educational levels, according to a system to be established by the Council of Ministers.

Article 4

The National Authority may not sign or co-sign a peace agreement to resolve the Palestinian issue that does not include the release of all prisoners.

Article 5

1. Every male released prisoner who has spent a period of no less than five years, and every female prisoner who has spent a period of no less than three years, in the prisons of the occupation shall be exempt from the following:

Tuition fees in governmental schools and universities

Health insurance fees

Fees for any training course within the framework of the programs organized by the official departments in charge

2. The Council of Ministers shall specify the cases where the above exemptions apply according to a system established to that effect.

Article 6

The National Authority shall give each prisoner, without discrimination, a monthly allowance while he is in prison and shall provide him with a clothing allowance twice a year according to the system established to that effect.

Article 7

1. The Authority must give every prisoner a monthly salary specified by the system, to be proportionate with the cost of living.
2. Prisoners' family members shall receive a portion of the prisoners' salary based on the standard of legal expenditure in effect.
3. The prisoner shall appoint an agent to collect his monthly salary or what remains of it.

Article 8

1. The years of imprisonment shall be calculated for each prisoner or released prisoner employee according to Article 107 of the Civil Service Law Number 4 of 1998 and the regulations issued to that effect.
2. The Authority undertakes to pay the insurance premiums and salaries for each imprisoned employee for the years of [his] imprisonment.

Article 9

The Ministry must cooperate with the agencies in charge to prepare a certified database of prisoners and released prisoners, the conditions and the reasons for their detainment, and the crimes to which they were subjected by the occupation.

Article 10

The National Authority may file lawsuits of crimes committed by the occupiers against the prisoners, and to demand any compensation for the harm they suffered as a result of such crimes. Each prisoner and released prisoner may file such lawsuit.

Article 11

The Council of Ministers shall establish the necessary systems to implement the provisions of this law.

Article 12

Every provision that is in contradiction to the provisions of this law shall be null and void.

Article 13

All relevant agencies, each in its own capacity, shall start implementing and enforcing the provisions of this law within thirty days of its publication in the gazette.

Issued in the city of Gaza on December 27, 2004 A.D.,

corresponding to Dhul Qaada 15, 1425 A.H,

Ruhi Fatouh,

President of the Palestinian National Authority

Regulations Associated with the Law [of Prisoners and Released Prisoners]

Decision of the Council of Ministers number () of 2006

Regarding the Regulations Associated with the Law of Prisoners and Released Prisoners

After examination of the Law of Prisoners and Released Prisoners, number 19 of 2004, approved by the Legislative Council in its December 22, 2004 session, and by the President of the Palestinian National Authority on December 27, 2004, and its publication in the Palestinian Gazette, issue number 54 of April 23, 2005, in light of what the Minister of Detainees and Ex-Detainees Affairs has shown in meeting number 40 of the Council of Ministers, held on November 23, 2005, and based on what the Council of Ministers has approved in the same meeting, the following was decided:

Article 1

The following regulations of the law of Prisoners and Released Prisoners are issued:

1. System to secure employment for released detainees.
2. System of monthly salary payment to the detainees and their families.

3. System to secure a living allowance and yearly clothing allowance for prisoners inside Israeli prisons and detention centers.
4. System of Exemption from School and college tuition fees, health insurance fees, and training courses fees.

Article 2

For the purposes of applying the provisions of this law, the following words and expressions shall have the specific meanings below unless the context indicates otherwise.

Ministry: The Ministry of Detainees' and Ex-Detainees' Affairs

Minister: The Minister of Detainees' and Ex-Detainees' Affairs

Prisoner: Anyone who is kept in prisons of the occupation for participating in the struggle against the occupation

Released Prisoner: Any prisoner who has been released from the prisons of the occupation

General Directorate of Administrative and Financial Affairs: The General Directorate of Administrative and Financial Affairs in the Ministry

Relevant Employee: The Relevant Employee in the Administrative and Financial Affairs Section

Evidentiary Documents: All necessary documentation, diplomas, incarceration documents, certificates of marital status and certificates of expertise, etc.

Agent: The individual who is authorized to receive the salary on behalf of the prisoner

Bank: A bank that is present and authorized by the Palestinian National Authority to operate in the Palestinian territories

Oversight and Examination Section: Oversight and Examination Section in the Ministry

General Administration for the Released Prisoners Rehabilitation Program: The General Administration for the Released Prisoners Rehabilitation Program in the Ministry of Detainees Affairs

Education Section: Education Section in the General Administration for the Released Prisoners Rehabilitation Program in the Ministry.

Training Section: Training Section in the General Administration for the Released Prisoners Rehabilitation Program in the Ministry

Health Insurance Section: Health Insurance Section in the General Administration for the Released Prisoners Rehabilitation Program in the Ministry

Section for Communications with the Prisons: A section of the General Directorate of Detainees and Ex-Detainees Affairs

Canteen Items: Items purchased with the monthly living allowance that the prisoner receives

I. System to secure employment for released prisoners

Article 3

A. Every released prisoner has the right to guaranteed employment in one of the Authority's ministries or agencies if he meets the following conditions:

1. Having spent a period of five years or more in prison because of his resistance to the occupation, without exception, whether in one period or over several periods.
2. This period/ these periods are confirmed with official papers issued by the Red Cross or a certificate from the relevant ministry that proves the accuracy of his imprisonment.
3. The prisoners who were detained long ago or were detained in Arab prisons because of their struggle for the cause, and who do not have official papers issued by the Red Cross, may get a proof of detention certified by the Minister.
4. The released prisoner must not work in any official or local organization from which he receives a regular salary.
5. He must not have any other source of income, whether from business or running a workshop, factory, or service office from which he derives an adequate income.
6. He must not own lands or moveable or non-moveable properties from which he derives a permanent income that allows him to live honorable dignified life.
7. By exception, the same conditions apply to female prisoners who spend a period of not less than two and a half years in captivity. This base salary is to be cut off when she finds work.

Article 4

If a prisoner has spent more than three years in prison, and, during or as a result of his detention, contracted an incurable disease which caused him to have to stop work, his prisoner file may be examined to see if he is eligible to benefit from the base salary after the conditions mentioned in Article 3 are met, in addition to the following:

1. That he contracted the disease during his detention or because of it.
2. That he did not receive any compensation for having contracted this disease.
3. That he demonstrates his inability to work with a medical report issued by a governmental medical committee.
4. That he is not receiving benefits from any other organization because of his handicap.

Article 5

- A. The General Directorate for Administrative and Financial Matters, via the Relevant Employee, shall receive all the necessary evidentiary documents from the released prisoner, and verify that they are in good order.
- B. The Relevant Employee shall prepare a special file for each released prisoner containing the Evidentiary Documents and necessary recommendations.
- C. The Relevant Employee shall organize the prisoner files according to the years of detention.
- D. All files that are ready and accompanied by a report shall be shown to the Minister for approval.
- E. The General Directorate for Administrative Affairs shall send a copy of the file to the general employee cabinet, and another copy to the Ministry of Finance.
- F. The released prisoner shall be notified of the answer from the general employee cabinet and the Ministry of Finance. The deficiencies in the file shall be worked on to complete the file, through the Ministry of Detainees and Ex-Detainees Affairs.

Article 6

- A. After completion of the procedures relative to the appointment of the released prisoner, the released prisoners shall be fill vacancies in the ministries, agencies and other governmental organizations, to replace other employees who no longer work there or by virtue of a new financial appropriation, in accordance with the general yearly fiscal budget law.
- B. The employment level of the released prisoner shall be determined based on the number of years that he spent in prison and the educational diplomas that he received.
- C. In case there are no vacancies, the released prisoner shall be assigned to the Cultural and Developmental Club, once it is created, and shall receive the base salary on a monthly basis.

- D. Released prisoners who spent five years or more shall receive titles as shown in the following chart and the corresponding salaries specified by the employee salary scale currently used by the Ministry of Finance for all employees of the Palestinian National Authority in accordance with the civil service law.

Number of years in prison	Civilian Title	Military Rank
5 to 7 years	Section head	Lieutenant
7 to 8 years	Deputy Director	Captain
8 to 10 years	Director C	Major
10 to 15 years	Director B	Lieutenant Colonel + seniority
15 to 20 years	Director A	Colonel + seniority
20 to 23 years	Director General	Brigadier General
23 to 25 years	Assistant Undersecretary	Brigadier General
25 years and more	Undersecretary of the Ministry	Brigadier General with seniority

In case any of them works in a civilian or military position, he must possess all educational requirements needed for this position.

- E. The following shall be done:

Released prisoners shall be given the titles they deserve.

Those who are able to work will be candidates for work in the civil or military organizations with the rank that will be given to them.

- F. Prisoners who spent less than five years, and to whom section 3/7 and Article 4 of the executive regulations of the law of prisoners and released prisoners does not apply shall be entitled to unemployment benefits for a period of six months.
- G. Newly released prisoners shall receive immediate financial assistance to help them build their futures, according to the following table:

Less than one year, he shall receive	\$500
From 1 to 3 years, he shall receive	\$1,000
From 3 to 5 years, he shall receive	\$2,000
From 5 to 8 years, he shall receive	\$3,000
From 8 to 11 years, he shall receive	\$4,000
From 11 to 15 years, he shall receive	\$5,000
From 15 to 18 years, he shall receive	\$6,000
From 18 to 21 years, he shall receive	\$7,000
From 21 to 25 years, he shall receive	\$8,000
More than 25 years, he shall receive	\$10,000

H. Released prisoners who have not received a monthly salary for the period of their detention may collect their dues for this period as arrears from the Ministry of Detainees and Ex-Detainees Affairs.

Article 7

The base salary shall be considered a personal right for the released prisoner throughout his life, and under no condition at all can it be transferred to another beneficiary.

Article 8

1. Payment of base salary to a released prisoner will be stopped in the following cases:

- A. If he practices or it becomes clear that he practices another profession from which he derives a regular income.
- B. If he is detained again by the Israeli occupation army. In this case, his status is changed to "victim" and the salary is paid by the Ministry of Detainees and Ex-Detainees Affairs.
- C. If he occupies a vacant position in one of the government organizations, agencies, or ministries, and thus becomes an employee of such agency receiving a full salary.
- D. If he dies, his heirs shall benefit from his salary as follows:

Married Prisoner:

- 1- His wife and minor children shall receive 75% of the value of the salary.
- 2- His youngest minor son or his unmarried daughters shall receive 50% of the value of the salary.

Single Prisoner:

- 1- His parents (provided that the deceased has been their provider throughout his life) + minor siblings shall receive 50% of his salary.
- 2- His last minor brother or his unmarried unemployed sister shall receive 50% of the salary.
- E. If he is asked to work for an official agency where there is a vacancy and he refuses to adhere to this request

II. Monthly salary payment system to prisoners and their families

Article 9

Every Palestinian or Arab prisoner in Israeli prisons or detention centers has the right to receive a salary that is paid to him or his family if the following conditions are met:

- A. If he was detained as a result of his resistance to the occupation
- B. If he is not receiving a monthly salary from any other governmental or non-governmental institution.

Article 10

The prisoners' relatives must produce the following evidentiary documents:

1. Original certificate from the Red Cross documenting his detention. This document shall be renewed every 3 months for the prisoners who are still in detention and once a year for the prisoners who have been sentenced.
2. The charge sheet issued by the Israeli military prosecutor.
3. A copy of the prisoner's personal identity card.
4. A copy of the personal identity card of the prisoner's agent.
5. A copy of the prisoner's marriage certificate, if he is married.
6. A copy of the birth certificates of the prisoner's children.
7. The account number, [which is] in the name of the agent, in a bank inside the territories of the National Authority.
8. The sentence, if the Israeli courts have sentenced him.

Article 11

All evidentiary documents shall be submitted to the Relevant Employee at the branch of the Ministry of Detainees Affairs in the prisoner's place of residence. If he is not a resident of the areas that fall under the supervision of the Palestinian National Authority, the documents shall be submitted to the branch nearest to his place of residence.

Article 12

If the prisoner is married, his wife is his legal agent. If he is not married, one of his parents is his agent. The prisoner may authorize another person to collect his salary by means of a power of attorney issued by the Red Cross and signed by him.

Article 13

The General Directorate for Detainees Affairs shall prepare a special file containing all the evidentiary documents for the prisoner, its observations on the file and the specified the salary that he shall receive based on his status. The complete file shall be submitted to the Department of Oversight and Examination to confirm the accuracy of the documents and that the salary corresponds with the information in the file.

Article 14

The financial approval of the prisoner's file shall be effective when it is confirmed that he is not receiving a salary from any governmental or private organization, once all documents are completed and there is a charge sheet in the file. If there is no charge sheet, it will be approved if he was subjected to an administrative detention.

Article 15

The salary shall be paid effective the date of approval of the file and not the date of detention. For those who are approved, the period between the date of detention and the date of approval, for those who are approved, shall be paid in the form of arrears after approval.

Article 16

If the prisoner remains in prison and has more than one wife, each of them shall receive the full salary of the prisoner for fifteen years. After that, the prisoner's file shall be studied and a decision shall be made regarding the salary, taking into account the ages of the prisoner's children and dividing up the salary increase resulting from the increase in the years of detention, to be shared equally between the two wives.

Article 17

Prisoners from Jerusalem shall receive a special allowance to support their resistance, and in view of their higher cost of living.

Article 18

The salary shall be paid for all children until they are 18 years old and for unemployed unmarried daughters.

Article 19

Payment of the salary shall be stopped in the following situations:

1. If the prisoner is released from prison.
2. If the prisoner dies in prison, his salary shall be changed to a deceased's as follows:

Married Prisoner:

1. His wife and minor children shall receive 75% of his salary.
2. His last minor son or unmarried daughters shall receive 50% of his salary.

Single Prisoner:

His parents (provided that the deceased was their only provider throughout his life) and his minor siblings shall receive 50% of his salary.

His last minor brother and his unmarried unemployed sister shall receive 50% of his salary.

Article 20

The prisoner's salary shall be paid based on the years he spent in prison, according to the following schedule:

Number of years in prison	Base salary in shekels	Allowance for the wife in shekels	Allowance for children up to 18 years old in shekels	Allowance for Jerusalem in shekels
From the beginning of incarceration to 5 years	1000	300	50 for each son/daughter	300
5 to 10 years	1300	300	50 for each son/daughter	300
10 to 15 years	2000	300	50 for each son/daughter	300
15 to 17 years	2500	300	50 for each son/daughter	300

Number of years in prison	Base salary in shekels	Allowance for the wife in shekels	Allowance for children up to 18 years old in shekels	Allowance for Jerusalem in shekels
17 to 20 years	3000	300	50 for each son/daughter	300
20 to 25 years	3500	300	50 for each son/daughter	300
More than 25 years	4000	300	50 for each son/daughter	300

Article 21

The prisoners' salaries shall begin with the minimum wage in the territory of the Palestinian National Authority. The base salary shall be linked to the cost of living table.

III: System of Exemption from School and college tuition fees, health insurance fees, and training courses fees, for released prisoners.

Article 22

A. Every prisoner has the right to an exemption from school and university tuition fees and fees for training courses within the context of the program that specialized official agencies organize, if he meets the following conditions:

1. That he spent a period of no less than five years in prison, or three years in the case of a female prisoner, for resisting the occupation, whether in one period or over separate periods, substantiated by official Red Cross documents.
2. Prisoners who are not able to produce official the Red Cross documents because he was detained a long time ago may produce a proof of detention paper certified by the Minister.

B. The services that the Program for Released Prisoners Rehabilitation Program offers shall continue to be provided to released prisoners, regardless of the length of time that they spend in prison, in accordance with the conditions agreed upon between the program and the donor nations, as well as the program's policy.

Article 23

A. A released prisoner who benefits from the education service must present the following documents:

1. Detention verification certificate (Red Cross)
 2. Last educational degree that he received.
 3. Certificate of enrollment in a university (for those who want to benefit from university education)
 4. A copy of the prisoner's identification card.
- B. In order for the released prisoner to benefit from the Health Insurance Service, he must present the following documents:
1. Detention verification certificate (Red Cross)
 2. Two personal photographs and a photo of co-beneficiaries from the insurance coverage.
 3. A copy of the prisoner's identification card.
- C. In order for the released prisoner to benefit from the training service in training courses organized by specialized agencies, he must present the following documents.
1. Detention verification certificate (Red Cross)
 2. Last educational degree that he received.
 3. A copy of his identification card.

Article 24

1. The General Administration for the Released Prisoners Rehabilitation Program shall receive all necessary evidentiary documents from the released prisoners, through its specialized employees, verify their accuracy and that they satisfy the requirements.
2. The specialized employee shall prepare a special file for each released prisoner containing the necessary evidentiary documents recommendations.
3. All reviews concerning requests to benefit from the exemption shall be done by the specialized employee.
4. A prisoner who wishes to benefit from the exemption from fees for the training program must sign a promise not to quit the program.

Article 25

The General Administration for the Released Prisoners Rehabilitation Program is the only specialized agency that corresponds with the agencies from which the prisoner wishes to benefit, and it is the only agency authorized to receive responses.

Article 26

1. Benefitting from the exemption from school and university fees and being from the training courses is a personal right of the released prisoner and it may not be relinquished to another.
2. Fees for health insurance will be deducted monthly from the monthly base salary of the released prisoner who receives a base salary.

Article 27

1. Prisoners whose income exceeds 3000 Shekels shall not be exempt from university tuition fees except if they have more than one child.
2. Prisoners who have more than one child and their income exceeds 5000 Shekels shall not be exempt from university tuition fees.

Article 28

1. To continue to benefit from the exemption from university tuition fees, the released prisoners must obtain a cumulative grade average of more than 60%.
2. To continue to benefit from the exemption from training fees, prisoners must not quit the training.

Article 29

The exemption for university tuition fees is offered once.

Article 30

Exceptionally, male prisoners who spent a period of less than 5 years, and female prisoners who spent less than three years, in prison may benefit from the health insurance service for a period of one year.

Article 31

Services will no longer be offered to the prisoner in the following situations:

1. If he continues no to take part in the training program.
2. If he does not obtain, for two consecutive semesters, a cumulative grade average of 60% or higher, for those who benefit exemption from university tuition fees.
3. If the prisoner dies, his right to benefit does not pass on to his heirs.
4. Exceptionally, if the prisoner dies, his family continues to benefit from the exemption from health insurance fees.

IV: System of monthly payments to prisoners inside the prison and a clothing allowance twice a year.

Article 32

Every prisoner inside the prison who was detained because of his resistance to the occupation, and who imprisoned with the general population or in solitary confinement as a punishment measure by the administration of the detention center, is entitled to monthly payments and a clothing allowance twice a year, regardless of his party or organizational affiliation.

Article 33

Every prisoner receives a monthly living allowance within the prison (the canteen) provided by the Ministry and agreed upon with the Ministry of Finance.

Article 34

The General Directorate of Detainees and Ex-Detainees Affairs' Department of Communications with the Prisons is the only agency authorized to distribute the monthly living allowances to the prisoners, according to the following procedures:

1. The Department shall be informed of the correct number of prisoners in each prison, based on its communication with each prison individually.
2. The Department shall prepare special lists with the prisoners' names and their bank account numbers within the prison.
3. The Department shall prepare the required payment authorizations according to the number of prisoners and based on the lists that they have, and the Minister shall sign them in order to facilitate the payment process.
4. The Department shall have the discretionary power to send the expenses to the [account] number of each prisoner individually, or to divide the amounts into [smaller] fractions as needed.